

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

NICHOLAS ANDREW TIRADO,

Plaintiff,

v.

SANTIAGO, *et al.*,

Defendants.

Case No. 1:22-cv-00724 JLT BAM (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION, WITH PREJUDICE, FOR FAILURE  
TO STATE A CLAIM, FAILURE TO OBEY A  
COURT ORDER, AND FAILURE TO  
PROSECUTE**

(Doc. 17)

The assigned magistrate judge reviewed the allegations of Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and found Plaintiff failed to comply with Rule 8 of the Federal Rules of civil Procedure and failed to state a cognizable claim upon which relief may be granted. (Doc. 16 at 3-9.) The magistrate judge granted Plaintiff 30 days to file an amended complaint or to file notice of voluntary dismissal. (*Id.* at 10.) In addition, the Court warned Plaintiff that if he failed to file an amended complaint, "the Court [would] recommend dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim." (*Id.* at 10.) Despite this, Plaintiff did not file an amended complaint or otherwise communicate with the Court. (*Id.*)

A month later, the magistrate judge found that "Plaintiff has ceased litigating his case," and recommended the action be dismissed with prejudice "for failure to state a claim pursuant to 28 U.S.C. § 1915A, for failure to obey a Court order, and for Plaintiff's failure to prosecute this action." (Doc. 17 at 10-11.) The Court served the Findings and Recommendations

1 on Plaintiff, which advised him that any objections were due within 14 days. (*Id.* at 14.) The  
2 court advised him also that the “failure to file objections within the specified time may result in  
3 the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting  
4 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections, and  
5 the deadline to do so has passed.

6 According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.  
7 Having carefully reviewed the entire matter, the court concludes the Findings and  
8 Recommendations are supported by the record and by proper analysis. Thus, the Court

9 **ORDERS:**

- 10 1. The Findings and Recommendations issued on September 29, 2022 (Doc. 17), are  
11 **ADOPTED** in full.  
12 2. This action is **DISMISSED** with prejudice.  
13 3. The Clerk of the Court is directed to close this case.

14  
15 IT IS SO ORDERED.

16 Dated: **November 7, 2022**

  
UNITED STATES DISTRICT JUDGE